

**Michael J. SHEA  
Serial No. 09/541,986  
Response to Office Action dated August 24, 2006**

**Remarks**

Reconsideration and allowance of the subject patent application are respectfully requested.

A Listing of Claims is provided for the Examiner's convenient reference.

Claims 21, 22, 25-28, 33-38 and 50-56 have been withdrawn as being drawn to a non-elected species. Upon the allowance of a generic claim, applicant respectfully requests consideration of claims to additional species that depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Claims 20, 29-32, 39-42, 46, 47 and 64 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Oosthuizen et al. (U.S. Patent No. 4,842,274). Applicant respectfully traverses this rejection inasmuch as Oosthuizen et al. fails to make the subject matter of these rejected claims obvious.

Claim 20 is directed to a method for providing a display of advertisements to an exerciser while the exerciser exercises on an exercise apparatus. The method comprises contacting a remote computer from the exercise apparatus in response to an input to the exercise apparatus; receiving at the exercise apparatus advertisements transmitted from the contacted remote computer; and providing a display of the advertisements received from the contacted remote computer on a display device of the exercise apparatus while the exerciser exercises.

Oosthuizen et al. discloses an exercise apparatus having a control processor 120 that includes provision for connection to a communications link 133, whereby the control processor can be programmed from a remote computer 130 such as a personal computer or a mini computer system. Oosthuizen et al. mentions that “[d]etails of the exercise data entered into the control processor 120 can be presented on the dedicated display 124 [of the exercise apparatus], or when the computer 130 is connected, the same data may be presented on a VDU display 134 associated with the remote computer 130, or it may be displayed on home television equipped with a suitable adapter.” Oosthuizen et al., col. 6, line 66 to col. 7, line 4. There is no disclosure or suggestion here or elsewhere in Oosthuizen et al. of contacting a remote computer from an exercise apparatus, receiving at the exercise apparatus advertisements transmitted from the

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contacted remote computer and providing a display of the received advertisements on a display device of the exercise apparatus while the exercise exercises as required by claim 20. The computer 130 of Oosthuizen et al. is described as being involved in “programming” the control processor 120 of the exercise apparatus, but there is no disclosure or suggestion of contacting this computer from the exercise apparatus and receiving advertisements that are displayed on a display of the exercise apparatus. In particular, there is no disclosure or suggestion in Oosthuizen et al. of displaying received advertisements on the display 134 thereof. A television is mentioned in Oosthuizen as possibly displaying exercise data entered into the control processor, but this is not even remotely suggestive of displaying advertisements on a display of the exercise apparatus such as display 134. Even assuming the television is argued to display advertisements, there is no disclosure or suggestion in Oosthuizen et al. that such advertisements are received from a contacted remote computer as required by claim 20.

Consequently, Oosthuizen et al. fails to make obvious the subject matter of claim 20 or of claim 39 that depends therefrom.

Claim 29 similarly calls for, among other things, displaying advertisements received from a contacted remote computer on a display device of an exercise apparatus and Oosthuizen et al. likewise fails to make obvious the subject matter of this claim or of claims 30-32 and 40 that depend therefrom.

Claim 41 similarly calls for, among other things, displaying advertisements received from a contacted computer on a display device of an exercise apparatus and Oosthuizen et al. likewise fails to make obvious the subject matter of this claim or of claims 42, 46 and 47 that depend therefrom.

Claim 64 calls for displaying received advertisements on display devices of exercise apparatuses and Oosthuizen et al. likewise fails to make obvious the subject matter of this claim.

Claim 43 was rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Oosthuizen et al. in view of Openiano. Applicant respectfully submits that the elements L, V, R and D of Openiano do not constitute an exercise apparatus and thus Openiano does not disclose a communication link connected to multiple exercise apparatuses as alleged in the office action. In any event, Openiano does not remedy the deficiencies of Oosthuizen et al. with respect

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to claim 41, from which claim 43 depends. Consequently, the combination of these references, even if proper, would not have resulted in the subject matter of claim 43.

Claims 44 and 45 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Oosthuizen et al. in view of Koch et al. Koch et al. discloses a stair climbing exercise machine having a television screen mounted on a frame thereof. The television screen is controlled by a computer 82 to display certain information during an exercise routine, which may be overlaid onto a television program. Koch et al. does not remedy the deficiencies of Oosthuizen et al. with respect to displaying advertisements received from a contacted computer as specified in claim 41, from which claims 44 and 45 depend. Consequently, the combination of these references, even if proper, would not have resulted in the subject matter of claims 44 and 45.

Claims 49, 58-60, 64, 67-74 and 76-78 were rejected under 35 U.S.C. Section 102(e) as allegedly being “anticipated” by Abbondanza. Applicant respectfully traverses this rejection inasmuch as Abbondanza fails to disclose each and every element of these rejected claims.

Claim 49 is directed to a method for displaying advertisements to an exerciser while the exerciser exercises on an exercise apparatus connected to a communication link. The method comprises receiving at the exercise apparatus advertisements transmitted from a computer connected to the communication link; storing the received advertisements; and displaying the stored advertisements on a display device of the exercise apparatus while the exerciser exercises.

Abbondonza discloses an exercise system in which pulse rate information can be transmitted to a base unit 150 for display on a monitor 160. There is no disclosure whatsoever of the exercise apparatus receiving advertisements, storing the advertisements and displaying the stored advertisements on a display device of the exercise apparatus. While Abbondonza mentions that control center 140 of the treadmill device 130 may include “LED displays” or “LCD displays”, there is no disclosure of displaying received advertisements on these displays. Consequently, Abbondanza cannot anticipate claim 49.

Claim 58 similarly calls for receiving advertisements transmitted from a computer and displaying the received advertisements on a display device of the exercise apparatus. As

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discussed with respect to claim 49, Abbondanza does not disclose such receiving or displaying and thus cannot anticipate claim 58 or its dependent claims 59 and 60.

Claim 64 calls for, among other things, displaying received advertisements on display devices of exercise apparatuses. As noted above, Abbondanza contains no disclosure of displaying advertisements in this manner and thus claim 64 and its dependent claims 67-74 and 76-78 cannot be anticipated by Abbondanza.

Claims 61, 62, 65, 66, 80-83, 85 and 86 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Abbondanza in view of Carlin. Carlin is cited for its purported disclosure of displaying exercise related data on a second portion of a display device. However, Carlin does not remedy the deficiencies of Abbondanza with respect to displaying advertisements on a display device of an exercise apparatus and thus the proposed combination of these references would not have made obvious the subject matter of the rejected claims.

Applicant submits that the pending claims are in condition for allowance, and action to that end is earnestly solicited.

Respectfully submitted,

By:

  
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